

that Matthews does not teach the claimed invention of Nikitin. More particularly, Matthews does not reveal the analog rank filter of Nikitin, but, rather reveals a common digital rank filter.

Detailed discussion. Matthews shows a rank filter 140 in Fig. 1, which is described numerous places in Matthews as 'filtering the electrical signal to produce a filtered array' (Abstract). Inherently, this describes a digital treatment of the signal because it produces the disclosed array. Moreover, in paragraph 0012, the rank filter is described as 'incorporating a new sample of electrical signal 115 into a data buffer' and 'discarding the oldest sample in the data buffer', which thus describes a digital rank filter. Thus, both the description of how the rank filter of Matthews utilizes a data buffer as well as the fact that the filter is described as outputting an array confirm the fact that the Matthews rank filter is digital. Applicant notes that a digital rank filter has limitations of using digital sampling, delay lines, and/or clock circuits.

In contrast, Nikitin discusses at length its use of analog processing (see, e.g., Background Art). In particular, the rank filter disclosed in Nikitin is consistently claimed as an 'analog rank filtering' element. Thus, Nikitin's rank filter is an analog rank filter, capable to operate without digital sampling, data buffering, delay lines, and/or clock circuits, and is thus distinctly different from the digital filter of Matthews.

Indeed, a principal distinction between the analog processing of Nikitin's invention and the referenced art (including that described in Matthews) is as stated in Nikitin's Brief Summary of the Invention, (see application page 6, lines 1-23; or paragraphs 0010 and 0011 of the published application), by noting that the current invention overcomes the limitations of the prior art "by directly processing the data in real-time in the analog domain, ... so that ... digitization and digital processing is not required." (Application lines 17-20). In his application, Nitikin further describes analog rank filtering / analog rank filters at some length. (Application pages 26, line 6 to page 40, line12; published application paragraphs 0109-0165). See, also, claims 32-nikitin 0301

39 and 53-56. Thus, Matthews discloses only a digital rank filter, and not the analog rank filter of Nikitin.

Conclusion. Applicant respectfully requests examiner reconsider the initial rejection of claims 19 and 40 and allow the claims for the reasons stated. If for some reason examiner has questions regarding allowance of these claims, or does not agree with the suggested conclusion, applicant respectfully requests that examiner informally notify applicant's attorney to discuss a possible interview with examiner on this matter.

Applicant reserves the right to provide other argument in this matter, including the right to assert that applicant's date of invention is prior to Matthews.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank B. Flink, Jr." with a stylized flourish at the end.

Date: January 27, 2006

Frank B. Flink, Jr.
Reg. No.: 37,623
Griffin, Flink and Watson, LLC
8347 Fontana
Prairie Village, Kansas 66207
(913) 530 6028
Fax: (913) 648 1280
Attorney for Applicant
E-mail: FFlink@earthlink.net